

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/29
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Special Distribution

Multilateral Trade Negotiations

Group "Non-Tariff Measures"

Sub-Group "Government Procurement"

MEETING OF MARCH 1977

Summing-up by the Chairman

1. The Sub-Group met on 3-4 March 1977.
2. The Sub-Group invited the Secretary-General of UNCTAD or his representative to attend the meeting as an observer. It noted the communications received from the Chairmen of other Groups and Sub-Groups (MTN/NTM/W/84).
3. At the end of the meeting, the Chairman made the following summing-up of the discussions on his own responsibility.
4. The Sub-Group had before it a list of elements already identified in the area of government procurement (MTN/NTM/W/74), an earlier secretariat note on government procurement (MTN/NTM/W/16) and the OECD "Draft Instrument on Government Purchasing Policies, Procedures and Practices" (MTN/NTM/W/81 and Corrigendum 1).
5. The Sub-Group heard a number of statements of a general nature, during which delegations emphasized the importance they attached to finding solutions to problems in the field of government procurement in the framework of the Multilateral Trade Negotiations.
6. The Sub-Group examined and discussed the list of elements contained in MTN/NTM/W/74 taking into account the other documentation available to it.
7. Many delegations stated that the objectives of the work on government procurement should be to provide for international competition and the application of commercial considerations in this area. This work should cover, inter alia, provisions relating to the principle of non-discrimination and the assurance of transparency in terms of policies, practices and procedures, and provisions relating to surveillance and dispute settlement. Some delegations also raised questions relating to the nature and content of trade to be covered by any solution in this field including, in particular, purchasing entities and thresholds as well as other issues not specifically mentioned in the background documentation.

8. It was widely recognized that government procurement was an area in which differential treatment for developing countries may be feasible and appropriate. Some delegations, in referring to the importance they attached to such treatment, indicated on a preliminary basis a number of specific areas where they considered that provisions to that end could be made.

9. The Sub-Group agreed that the secretariat should prepare, for the next meeting of the Sub-Group, a check-list of points summarizing views on specific issues raised by individual delegations in the course of the discussion.

10. The Sub-Group further agreed that delegations be invited to submit in writing, for consideration at the next meeting, any additional comments, suggestions or proposals they would wish to have taken into account including those relating to differential treatment for developing countries, when seeking solutions to problems in this field.

11. The Sub-Group agreed that the material to be provided by the secretariat, the additional submissions which might be made by participants, and the existing background documentation, would form the basis for the detailed examination of major issues and approaches in the negotiations on government procurement at its next meeting. It was suggested that the discussion might focus more particularly on specific questions relating to the principle of non-discrimination, the assurance of transparency, and questions relating to surveillance and dispute settlement, purchasing entities and thresholds. It was understood that the question of differential treatment for developing countries would be taken up under each of the issues to be considered.

12. Reverting to the question of how to expand the information base, the Sub-Group agreed that the secretariat be requested to take up with the OECD Secretariat, the possibility of making available, for the purposes of the Sub-Group, the OECD publication "Government Purchasing: Regulations and Procedures of OECD member Countries".

13. The Sub-Group also agreed that OECD member countries be invited to submit to the GATT secretariat, as necessary, an updating of information contained in the OECD publication.

14. It was further agreed that the secretariat should consult with delegations on the shape of headings that might be utilized in seeking information from non-OECD countries.

15. The Sub-Group agreed to meet within the next three months, the exact date to be fixed by the Group "Non-Tariff Measures" at its forthcoming meeting.